

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 546

Introduced by Bohlke, 33

Read first time January 19, 1999

Committee: Transportation

A BILL

- 1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
- 2 section 60-6,298, Reissue Revised Statutes of Nebraska;
- 3 to change provisions relating to size, weight, and load
- 4 for farm trucks; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,298, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-6,298. (1)(a) The Department of Roads or the Nebraska
4 State Patrol, with respect to highways under its jurisdiction
5 including the National System of Interstate and Defense Highways,
6 and local authorities, with respect to highways under their
7 jurisdiction, may in their discretion upon application and good
8 cause being shown therefor issue a special permit or a continuous
9 permit in writing authorizing the applicant or his or her designee:

10 (i) To operate or move a vehicle, a combination of
11 vehicles, or objects of a size or weight of vehicle or load
12 exceeding the maximum specified by law when such permit is
13 necessary:

14 (A) To further the national defense or the general
15 welfare;

16 (B) To permit movement of cost-saving equipment to be
17 used in highway or other public construction or in agricultural
18 land treatment; or

19 (C) Because of an emergency, an unusual circumstance, or
20 a very special situation;

21 (ii) To operate vehicles, for a distance up to one
22 hundred twenty miles, loaded up to fifteen percent greater than the
23 maximum weight specified by law, up to ten percent greater than the
24 maximum length specified by law, except that for a truck-tractor
25 semitrailer trailer combination utilized to transport sugar beets
26 which may be up to twenty-five percent greater than the maximum
27 length specified by law, or both, when carrying grain or other
28 seasonally harvested products from the field where such grain or

1 products are harvested to storage, market, or stockpile in the
2 field or from stockpile or from farm storage to market or factory
3 when failure to move such grain or products in abundant quantities
4 would cause an economic loss to the person or persons whose grain
5 or products are being transported or when failure to move such
6 grain or products in as large quantities as possible would not be
7 in the best interests of the national defense or general welfare.
8 The distance limitation may be waived for vehicles when carrying
9 dry beans from the field where harvested to storage or market when
10 dry beans are not normally stored, purchased, or used within the
11 permittee's local area and must be transported more than one
12 hundred twenty miles to an available marketing or storage
13 destination. Except for farm trucks as provided in subdivision (b)
14 of this subsection, no permit shall authorize a weight greater than
15 twenty thousand pounds on any single axle; or

16 (iii) To transport an implement of husbandry which does
17 not exceed twelve and one-half feet in width during daylight hours,
18 except that the permit shall not allow transport on holidays.

19 (b) Any farm truck as defined in section 60-301 with not
20 more than two axles may operate with a special permit for a
21 distance of up to forty miles with an excess axle load of not more
22 than five percent in excess of the maximum load permitted for a
23 single axle by section 60-6,294 when such truck is being used for
24 carrying grain or other seasonally harvested products from the
25 field where such grain or products are harvested to storage,
26 market, or stockpile in the field, except that such truck shall not
27 operate on the National System of Interstate and Defense Highways.

28 (c) No permit shall be issued under subdivision (a)(i) of

1 this subsection for a vehicle carrying a load unless such vehicle
2 is loaded with an object which exceeds the size or weight
3 limitations, which cannot be dismantled or reduced in size or
4 weight without great difficulty, and which of necessity must be
5 moved over the highways to reach its intended destination. No
6 permit shall be required for the temporary movement on highways
7 other than dustless-surfaced state highways and for necessary
8 access to points on such highways during daylight hours of
9 cost-saving equipment to be used in highway or other public
10 construction or in agricultural land treatment when such temporary
11 movement is necessary and for a reasonable distance.

12 (2) The application for any such permit shall
13 specifically describe the vehicle, the load to be operated or
14 moved, whenever possible the particular highways for which permit
15 to operate is requested, and whether such permit is requested for a
16 single trip or for continuous operation.

17 (3) The department or local authority is authorized to
18 issue or withhold such permit at its discretion or, if such permit
19 is issued, to limit the number of days during which the permit is
20 valid, to limit the number of trips, to establish seasonal or other
21 time limitations within which the vehicles described may be
22 operated on the highways indicated, or to issue a continuing permit
23 for use on all highways, including the National System of
24 Interstate and Defense Highways. The permits are subject to
25 reasonable conditions as to periodic renewal of such permit and as
26 to operation or movement of such vehicles. The department or local
27 authority may otherwise limit or prescribe conditions of operation
28 of such vehicle or vehicles, when necessary to assure against undue

1 damage to the road foundations, surfaces, or structures or undue
2 danger to the public safety. The department or local authority may
3 require such undertaking or other security as may be deemed
4 necessary to compensate for any injury to any roadway or road
5 structure.

6 (4) Every such permit shall be carried in the vehicle to
7 which it refers and shall be open to inspection by any peace
8 officer, carrier enforcement officer, or authorized agent of any
9 authority granting such permit. Each such permit shall state the
10 maximum weight permissible on a single axle or combination of axles
11 and the total gross weight allowed. No person shall violate any of
12 the terms or conditions of such special permit. In case of any
13 violation, the permit shall be deemed automatically revoked and the
14 penalty of the original limitations shall be applied unless:

15 (a) The violation consists solely of exceeding the size
16 or weight specified by the permit, in which case only the penalty
17 of the original size or weight limitation exceeded shall be
18 applied; or

19 (b) The total gross load is within the maximum authorized
20 by the permit, no axle is more than ten percent in excess of the
21 maximum load for such axle or group of axles authorized by the
22 permit, and such load can be shifted to meet the weight limitations
23 of wheel and axle loads authorized by such permit. Such shift may
24 be made without penalty if it is made at the state or commercial
25 scale designated in the permit. The vehicle may travel from its
26 point of origin to such designated scale without penalty, and a
27 scale ticket from such scale, showing the vehicle to be properly
28 loaded and within the gross and axle weights authorized by the

1 permit, shall be reasonable evidence of compliance with the terms
2 of the permit.

3 (5) The department or local authority issuing a permit as
4 provided in this section may adopt and promulgate rules and
5 regulations with respect to the issuance of permits provided for in
6 this section.

7 (6) The department shall make available applications for
8 permits authorized pursuant to subdivisions (1)(a)(ii),
9 (1)(a)(iii), and (1)(b) of this section in the office of each
10 county treasurer. The department may make available applications
11 for all other permits authorized by this section to the office of
12 the county treasurer and may make available applications for all
13 permits authorized by this section to any other location chosen by
14 the department.

15 (7) The department or local authority issuing a permit
16 may require a permit fee of not to exceed ten dollars, except that:

17 (a) The fee for a continuing permit may not exceed
18 twenty-five dollars for a ninety-day period, fifty dollars for a
19 one-hundred-eighty-day period, or one hundred dollars for a
20 one-year period; and

21 (b) The fee for permits issued pursuant to subdivisions
22 (1)(a)(ii) and (1)(b) of this section shall be twenty-five dollars
23 for a thirty-day permit and fifty dollars for a ~~sixty-day~~ one-year
24 permit. ~~Permits issued pursuant to such subdivisions shall be~~
25 ~~valid for thirty days or sixty days and shall be renewable for a~~
26 ~~total number of days not to exceed one hundred and twenty days per~~
27 ~~year.~~

28 A vehicle or combination of vehicles for which an

1 application for a permit is requested pursuant to this section
2 shall be registered under section 60-305.09 or 60-331 for the
3 maximum gross vehicle weight that is permitted pursuant to section
4 60-6,294 before a permit shall be issued except as provided in
5 subdivision (1)(b) of this section.

6 Sec. 2. Original section 60-6,298, Reissue Revised
7 Statutes of Nebraska, is repealed.